

**U.S. DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

OKSANA HRYN an individual and citizen of the Ukraine, YELYZAVETA LATA A/K/A ELIZAVETA LATA an individual and citizen of the Ukraine, IHOR USHENKO an individual and citizen of the Ukraine, VOLODYMYR HREN an individual and citizen of the Ukraine, ASTOR ASSET MANAGEMENT LTD., a corporation incorporated in St. Kitts and Nevis, ASTOR ASSET MANAGEMENT 1 LTD., a corporation incorporated in St. Kitts and Nevis, ASTOR ASSET MANAGEMENT 2 LTD., a corporation incorporated in St. Kitts and Nevis, ASTOR ASSET MANAGEMENT 3 LTD., a corporation incorporated in St. Kitts and Nevis, ASTOR ASSET MANAGEMENT 4 LTD., a corporation incorporated in St. Kitts and Nevis, ASTOR ASSET MANAGEMENT 7 LTD., a corporation incorporated in Anguilla, AMERICA 2030 CAPITAL LIMITED, a corporation incorporated in St. Kitts and Nevis, AMERICA 2030 CAPITAL 1 LIMITED, a corporation incorporated in St. Kitts and Nevis, AMERICA 2030 CAPITAL 2 LIMITED, a corporation incorporated in St. Kitts and Nevis, AMERICA 2030 CAPITAL 3 LIMITED, a corporation incorporated in St. Kitts and Nevis, AMERICA 2030 CAPITAL 4 LIMITED, a corporation incorporated in St. Kitts and Nevis, AMERICA 2030 CAPITAL 5 LIMITED, a corporation incorporated in St. Kitts and Nevis, ASTOR CAPITAL FUND LTD., a corporation incorporated in the Bahamas, BENTLEY ROTHSCHILD CAPITAL LIMITED, a corporation incorporated in St. Kitts and Nevis, BENTLEY ROTHSCHILD CAPITAL 2 LIMITED, a corporation incorporated in St. Kitts and Nevis, BENTLEY ROTHSCHILD CAPITAL 3 LIMITED, a corporation incorporated in St. Kitts and Nevis, BENTLEY ROTHSCHILD CAPITAL 4 LIMITED, a corporation

Case No.:

**DECLARATION OF ROSS E.**  
**PITCOFF, ESQ.**

incorporated in St. Kitts and Nevis,  
BLACKROCK CAPITAL LLC, a  
corporation incorporated in the Bahamas,  
SAL OPPENHEIM LTD., a corporation  
incorporated in Seychelles, BEAR STERNS  
COMPANIES, a corporation incorporated in  
Seychelles, BENTLEY BRONFMAN  
CAPITAL LTD., a corporation incorporated  
in Belize, DREYFUS CORPORATION, a  
corporation incorporated in Belize,  
LINCOLN CAPITAL LTD., a corporation  
incorporated in Belize, NEWBURGH  
CAPITAL LTD., a corporation incorporated  
in Belize, SOVEREIGN LIQUIDITY  
FUND, LTD., a corporation incorporated in  
Alaska, SOVEREIGN LIQUIDITY FUND,  
COMPANY 1 LTD., a corporation  
incorporated in Alaska, SOVEREIGN  
LIQUIDITY FUND, COMPANY 2 LTD., a  
corporation incorporated in Alaska,  
SOVEREIGN LIQUIDITY FUND,  
COMPANY 3 LTD., a corporation  
incorporated in Alaska, STATE STREET  
GLOBAL ADVISORS LTD., a corporation  
incorporated in the Bahamas, UNION  
PACIFIC CAPITAL LTD., a corporation  
incorporated in Belize, AC CAPITAL  
LIMITED, a corporation incorporated in  
Anguilla, BSC CAPITAL LTD., a  
corporation incorporated in Belize,  
CORNELIUS VANDERBILT CAPITAL  
MANAGEMENT LTD., a corporation  
incorporated in Belize, and AURELIUS  
CAPITAL MANAGEMENT LTD., a  
corporation incorporated in Belize

Plaintiffs,

v.

WEISER GLOBAL CAPITAL MARKETS  
LTD., a Bahamas private limited company,  
CHRISTOS LIVADAS a/k/a CHRIS LIVAS,  
in his official capacity and individually, a  
citizen of Canada and permanent resident of  
the Bahamas, HONG “RAINBOW” YANG,  
an individual and citizen of Hong Kong,  
CHRIS PAPAIOANNOU a/k/a CHRISTOS  
PAPAIOANNOU, an individual,  
COURTNEY FILIPENKO, an individual,  
RAHUL KIRPALANI, an individual, SELBY

BRICE, an individual, JOSE MARMOLEJO, an individual, JAMAAL STUBBS an individual and citizen of the Bahamas, WEISER GLOBAL ASSET MANAGEMENT, a corporation incorporated in the Bahamas, WEISER ASSET MANAGEMENT, a corporation incorporated in the Bahamas, and DOES 1-20.

Defendants.

ROSS E. PITCOFF, ESQ., an attorney duly admitted to practice before the courts of the State of New York, and the Southern District of New York, affirms the following to be true under the penalties of perjury:

1. I am the owner of Ross Pitcoff Law, attorneys for Plaintiffs OKSANA, YELYZAVETA LATA A/K/A ELIZAVETA LATA, IHOR USHENKO, VOLODYMYR HREN, ASTOR ASSET MANAGEMENT LTD., ASTOR ASSET MANAGEMENT 1 LTD., ASTOR ASSET MANAGEMENT 2 LTD., ASTOR ASSET MANAGEMENT 3 LTD., ASTOR ASSET MANAGEMENT 4 LTD., ASTOR ASSET MANAGEMENT 7 LTD., AMERICA 2030 CAPITAL LIMITED, AMERICA 2030 CAPITAL 1 LIMITED, AMERICA 2030 CAPITAL 2 LIMITED, AMERICA 2030 CAPITAL 3 LIMITED, AMERICA 2030 CAPITAL 4 LIMITED, AMERICA 2030 CAPITAL 5 LIMITED, ASTOR CAPITAL FUND LTD., BENTLEY ROTHSCHILD CAPITAL LIMITED, BENTLEY ROTHSCHILD CAPITAL 1 LIMITED, BENTLEY ROTHSCHILD CAPITAL 2 LIMITED, a BENTLEY ROTHSCHILD CAPITAL 3 LIMITED, BENTLEY ROTHSCHILD CAPITAL 4 LIMITED, , BLACKROCK CAPITAL LLC, SAL OPPENHEIM LTD., BEAR STERNS COMPANIES, BENTLEY BRONFMAN CAPITAL LTD., DREYFUS CORPORATION, LINCOLN CAPITAL LTD., NEWBURGH CAPITAL LTD., SOVEREIGN LIQUIDITIY FUND, LTD., SOVEREIGN LIQUIDITY FUND,

COMPANY 1 LTD., SOVEREIGN LIQUIDITY FUND, COMPANY 2 LTD., SOVEREIGN<sup>1</sup> LIQUIDITY FUND, COMPANY 3 LTD., STATE STREET GLOBAL ADVISORS LTD., UNION PACIFIC CAPITAL LTD., AC CAPITAL LIMITED, BSC CAPITAL LTD., CORNELIUS VANDERBILT CAPITAL MANAGEMENT LTD., and AURELIUS CAPITAL MANAGEMENT LTD. (hereinafter the “Plaintiffs”) in the instant action. As such I am fully familiar with the facts and circumstances herein.

2. I submit this Declaration in Support of Plaintiffs’ Application for an Attachment and Injunctive Relief in accordance with the relief sought pursuant to the annexed Proposed Order to Show Cause.

3. A true and accurate copy of five (5) Custodial Management Agreements, each entered into between a Corporate Entity owned by one of the Beneficial Owners on the one hand, and Defendant Weiser on the other, are annexed to the accompanying Verified Complaint as **Exhibit “A.”**

3. A true and accurate copy of written Entitlement Orders sent by Beneficial Owners Oksana Hrynn, Elizaveta Lata, Ihor Ushenko and Volodymyr Hren, to Defendant Weiser, are annexed to the accompanying Verified Complaint **Exhibit “B.”**

4. A true and accurate copy of screenshots of the Beneficial Owners’ Accounts with Weiser on Wednesday, October 6<sup>th</sup> 2021, the last known date in which Plaintiffs had access to their accounts, showing cash balance in excess of One Hundred and Twenty Five Million Dollars (\$125,000,000.00) cumulatively available to the Plaintiffs, is annexed to the accompanying Verified Complaint as **Exhibit “C”**

5. A true and accurate copy of screen shots from October 8<sup>th</sup>, 2021, showing the Beneficial Owners' failed login attempts, is annexed to the accompanying Verified Complaint as **Exhibit "D."**
6. A true and accurate copy of screenshots of the Beneficial Owners' Accounts with Weiser on Friday, October 8<sup>th</sup> 2021, following the lock-out, and showing a cumulative total balance of approximately Five Million Dollars (\$5,000,000.00) available to the Plaintiffs, is annexed to the accompanying Verified Complaint as **Exhibit "E"**
7. True and accurate screenshots from the Weiser online database showing proof of the Beneficial Owners' Custodian Account balances dated August of 2021, is annexed to the accompanying Verified Complaint as **Exhibit "F."**
8. True and accurate copies of letters from Weiser to the Beneficial Owners referencing Custodian Account balances in excess of hundreds of millions of dollars each prior to August, 2021, is annexed to the accompanying Verified Complaint as **Exhibit "G."**<sup>2</sup>
9. True and accurate copies of Spreadsheets submitted by Weiser in August and October of 2021 indicating the amount of cash proceeds available for the Plaintiffs, is annexed to the accompanying Verified Complaint as **Exhibit "H."**
10. A true and accurate copy of a wire-transfer from Weiser to the attention of a Beneficial Owners' Corporate Entity is annexed to the accompanying Verified Complaint as **Exhibit "I."**
11. A true and accurate copy of an email from Weiser indicating that "Responses are coming much slower than usual, particularly from global custodians all of whom (ie out of New York) are working remotely," is annexed to the accompanying Verified Complaint as **Exhibit "J."**

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<sup>2</sup> For privacy based reasons, all exhibits referencing bank accounts, financial and/or account related information is being submitted *In Camera* for inspection and review.

12. Correspondence amongst Weiser, Borrowers and Corporate Entities listing names of U.S. banks such as Citibank, Fidelity, Chase etc. being utilized in various jurisdictions such as China, is annexed to the accompanying Verified Complaint as see **Exhibit K.**

13. Emails from Weiser referencing wiring instructions for the Borrowers/Corporate Entities to send proceeds to at a Citibank account in New York is annexed to the accompanying Verified Complaint as **Exhibit "L."**

14. Injunctions sought/obtained by Borrowers in Singapore and Hong Kong concerning Weiser are annexed to the underlying Verified Complaint as **Exhibit "M."**

15. The underlying Verified Complaint is annexed hereto as **Exhibit "N."**

**WHEREFORE**, for the reasons set forth in the memorandum of law and exhibits annexed to this affirmation, as well as the underlying Verified Complaint, it is respectfully requested that Plaintiffs' application for injunctive relief and an attachment be granted in its entirety, together with such other and further relief as this court deems just and proper.

Dated: New York, New York  
October 12<sup>th</sup>, 2021

Yours etc.,

**ROSS PITCOFF LAW**

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